Amendments to the Drawings:

The attached sheet of drawings includes reference labels to identify Figures 3a and 3b. This sheet, which includes FIGs. 2, 3a, 3b and 4, is submitted herewith to replace the original sheet.

Attachment: Replacement Sheet

REMARKS

This Amendment is in response to the Office Action mailed October 14, 2005. In the Office Action, claims 9 and 10 were rejected under 35 U.S.C. §112 (second paragraph), claims 1-4, 9-11 and 13 were rejected under 35 U.S.C. §102(e), and claims 6-8 and 14 were rejected under 35 U.S.C. §103(a). Claims 9-12 have been cancelled without prejudice and claims 20-25 have been added. Claims 1-6 and 13-14 have been amended. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Request for Examiner's Interview

The Examiner is respectfully requested to contact the undersigned by telephone at the phone number listed below if after review, such claims are still not in condition for allowance. This telephone conference would greatly facilitate the examination of the present application. The undersigned attorney can be reached at the telephone number listed below.

Specification Amendments

Paragraphs 25 and 31 have been amended to correct a typographical error of the physical tracking station client "53" and the inclusion of reference labeling for Figures 3a and 3b. Figure 3a and 3b are now illustrated in the drawings. Acceptance of these amendments is respectfully requested.

Rejection Under 35 U.S.C. § 112

Claims 9 and 10 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claims 9 and 10 have been amended. Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 112 (second paragraph) as applied to claims 9 and 10 as applied.

Rejection Under 35 U.S.C. § 102

Claims 1-4, 9-11 and 13 were rejected under 35 U.S.C. §102(e) as being anticipated by Bowers (U.S. Patent Publication No. 2001-0000019). Applicant respectfully requests the Examiner to withdraw the rejection because a *prima facie* case of anticipation has not been established.

As the Examiner is aware, to anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Vergegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). Applicant respectfully disagrees that each and every element of these claims is set forth in Bowers.

For instance, with respect to claim 1, Applicant respectfully submits that Bowers does not teach a recording station in communication with the database, to embed visible identifiers into contents of the media and to record identifiers in the database. Moreover, with respect to independent claims 13 and 23, Applicant further submits that Bowers does not teach an operation of providing to the database a record indicative of content associated with a media identification and embedded data in the content and the media processing system as claimed.

Applicant respectfully requests that the Examiner to withdraw the rejection under 35 U.S.C. §102(e) as applied to independent claims 1 and 13 and those claims dependent thereon.

Rejection Under 35 U.S.C. § 103

Claims 6-8 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bowers in view of Rhoads (U.S. Patent Publication No. 2003/0231785). Applicant respectfully traverses the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *See MPEP §2143; see also In Re Fine, 873 F. 2d 1071, 5 U.S.P.Q.2D 1596 (Fed. Cir. 1988).* Herein, the combined teachings of the cited references fail to describe or suggest all the claim limitations. Reconsideration is respectfully requested.

Moreover, Applicant respectfully submits that Rhoads does not constitute prior art because Rhoads is a continuation-in-part (CIP) of U.S. Application 10/274,290 filed October 18, 2002, which is a continuation-in –part (CIP) of U.S. Application 09/761,349 filed January 16, 2001, and so on. The subject application was filed on April 27, 2001 and based upon a provisional application dated May 5, 2000. Upon review of U.S. Application 09/761,349 for instance, the undersigned attorney did not find certain information that was relied upon by the Examiner to reject the above-identified claims. For example, information set forth in paragraphs 16-17 of Rhoads is not set forth in U.S. Application 09/761,349. Therefore, the information relied upon by the Examiner does not constitute prior art, and thus, the rejection is improper.

Withdrawal of the outstanding §103(a) rejection is respectfully requested.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 01/17/2006

By _____

Eric T. King
Reg. No. 44,188
Tel.: (714) 557-3800 (Pacific Coast)

Attachment

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is, on the date shown below, being:

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01/17/2006

Susan McFarlane *Date*

APPENDIX

Replacement Sheet for Figures 3a and 3b is enclosed.